

RECEIVED

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2006 DEC 28 A 10:07

Tony Maurice Jackson #54566
Full name and prison number
of plaintiff(s)

v.

State of Alabama

Judge Denny Holloway

Doug A. Valeska D.A.

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 1:06cv1152-MEF
(To be supplied by Clerk of
U.S. District Court)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court
dealing with the same or similar facts involved in this
action? YES () NO (X)

B. Have you begun other lawsuits in state or federal court
relating to your imprisonment? YES () NO (X)

C. If your answer to A or B is yes, describe each lawsuit
in the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if
state court, name the county) _____

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Houston County Jail
901 E. Main St. ~~Dothan~~ Dothan, AL. 36301

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Houston
County Courthouse 114 N. Oates St. Dothan, AL. 36301

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. Judge Denny L. Holloway 114 N. Oates St. Dothan, AL. 36301
2. Douglas A. Voleska 114 N. Oates St. Dothan, AL. 36301
3. _____
4. _____
5. _____
6. _____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED Oct. 12, 2006

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Violation of Due Process (Right to a Preliminary Hearing)

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

View layout of Case Facts that accompany
this complaint.

GROUND TWO: _____

SUPPORTING FACTS: _____

GROUND THREE: _____

SUPPORTING FACTS: _____

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Order that Plaintiff be released from the
Custody of the Houston County Jail.



Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on 12-26-06
(Date)



Signature of plaintiff(s)

In the United States District Court
for the Middle District of Alabama

Tony Maurice Jackson

Plaintiff

-VS-

State of Alabama

Derendant

Facts of the Case

I. Plaintiff was arrested on 9-23-06 and filed a motion for a Preliminary Hearing on 10-12-06, well within the 30-day filing period. On 10-17-06 the motion was returned to the District Clerks office with "No Ruling" from the Judge. After the 21-days for commencement of a Preliminary Hearing as mandated by Alabama State Law had passed, on 10-6-06 the Plaintiff filed a motion for dismissal which was also returned to the District Clerks office with "No Ruling" from the Judge. It has now been more than 3 months since the Plaintiff's request for a Preliminary Hearing was filed, and he is still yet to recieve such a hearing, nor has the Plaintiff at any time waived his right to a Preliminary Hearing or recieved any notice of Postponement as mandated by Alabama State Law. Therefore the Plaintiff finds the Houston County District Court in direct violation of not only his right to a Preliminary Hearing, but also the Alabama Rules of Criminal Procedure Rule 5.1. Thus violating Due Process

Of the Court.

II. Issues Presented

According to the Alabama Rules of Criminal Procedure Rule 5.1 and the Code of Alabama 1975 § Title 15-11-1:

A defendant charged by complaint with the commission of a felony may within 30-days of his arrest demand a Preliminary Hearing. If demanded the Preliminary Hearing shall commence in District Court in 21-days from the filing of the demand. Unless, the complaint has been dismissed, or the hearing is postponed because of a finding of justifiable circumstances. If the Preliminary Hearing has not been commenced in 21-days as required, the defendant shall be released from custody automatically.

III. Relief Sought from Court

Order for the Plaintiff to be released from the custody of the Houston County Jail immediately, as mandated by Alabama State Law for a violation of Due Process of the Law.

Respectfully Submitted

12-26-06



Tony Jackson